

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75693

David Nelson
Sandra Nelson

7154 Fairbrook Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store trash in trash cans with no lids; Baltimore County Zoning Regulations (BCZR) section 428, failure to remove unlicensed motor vehicles on residential property known as 7154 Fairbrook Road, 21244.

On May 17, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Josip Peruzovic issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$10,800.00 (ten thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 21, 2010 for removal of untagged/inoperative motor vehicles from this residential property; remove trash and debris; store garbage in containers with tight lids. This Citation was issued on May 17, 2010.

B. Photographs in the file show two sedan automobiles without current license plates parked in the driveway of this residential property. County zoning regulations prohibit the outside storage of inoperative motor vehicles on a residential lot. BCZR Section 428.1(A). The outside storage of unlicensed motor vehicles is also prohibited, except for one vehicle per dwelling unit for a period not exceeding 15 days in any calendar year. Section 428.1(B). Respondents have exceeded this limitation. Respondents must put valid tags on the vehicles and make them operable, or remove them from the property.

C. Photographs in the file show garbage in cans without lids, and junk and trash piled on the ground. Photographs also show junk and debris piled in the back of an open pickup truck that is parked on the property. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be stored in cans with tight lids, and all junk and debris must be removed from the property.

D. Court records show this property is in foreclosure proceedings, with sale reported June 28, 2010. However, no new ownership information has been recorded with the County or the State Department of Assessments & Taxation.

E. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below. If the violation is not corrected, the full civil penalty shall be imposed, and the County will be authorized to remove the untagged vehicles, at the expense of the property owner.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by August 10, 2010.

IT IS FURTHER ORDERED that after August 10, 2010, the County may enter the property for the purpose of removing the untagged vehicles, and/or for the purpose of removing all junk, trash and debris, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer